

**In re: JEAN D. PHILLIPS, BRUCE PHILLIPS, AND MICKEY JOE MCCORMICK.**

**HPA Docket No. 01-0028.**

**Order Dismissing Complaint Against Bruce Phillips.**

**Filed September 5, 2002.**

Sharlene Deskins, for Complainant.

L. Thomas Austin, for Respondent.

*Order issued by Jill S. Clifton, Administrative Law Judge.*

Complainant, the Administrator of the Animal and Plant Health Inspection Service ("APHIS"), moved to dismiss the complaint against Bruce Phillips without prejudice. The Motion states that "Respondents have produced evidence which shows the Mr. Phillips has died and it is therefore not in the interests of justice to pursue the violations further." I have decided to grant Complainant's motion, subject to the following limitations.

Either party may request that the case be restored to the active docket, so long as such request is filed within one year from the date of this dismissal. If no such request is filed, without further action or notice the dismissal will become final and with prejudice. Accordingly, this case is dismissed.

Copies of this Order shall be served by the Hearing Clerk upon each of the parties. The Hearing Clerk is requested to show the addresses to which the copies were mailed, and the mailing dates.

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